

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BAYER INTELLECTUAL PROPERTY )  
GMBH, BAYER PHARMA AG, and )  
JANSSEN PHARMACEUTICALS, INC., )  
Plaintiffs, )  
v. ) C.A. No. 15-902 (RGA)  
AUROBINDO PHARMA LIMITED, )  
AUROBINDO PHARMA USA, INC., )  
BRECKENRIDGE PHARMACEUTICAL, )  
INC., INVAGEN PHARMACEUTICALS, INC., )  
MICRO LABS LTD., MICRO LABS USA )  
INC., MYLAN PHARMACEUTICALS INC., )  
PRINSTON PHARMACEUTICAL INC., )  
SIGMAPHARM LABORATORIES, LLC, )  
TORRENT PHARMACEUTICALS, LIMITED, )  
and TORRENT PHARMA INC. )  
Defendants. )

**STIPULATION AND ORDER REGARDING INFRINGEMENT**

Plaintiffs Bayer Intellectual Property GmbH, Bayer Pharma AG, and Janssen Pharmaceuticals, Inc., (collectively, “Plaintiffs”) and Defendant Mylan Pharmaceuticals Inc. (“Mylan”) hereby STIPULATE, and request that the Court ORDER, as follows:

1. The 10 mg, 15 mg, and 20 mg rivaroxaban tablets that are the subject of Mylan’s ANDA No. 208561 (including any amendments or supplements thereto as to these dosage strengths only) that are the subject of this action (“Mylan’s ANDA Products”), as well as the active ingredient contained therein, infringe each of claims 1-6, 10, 14, 16, and 27 of U.S. Patent No. 7,157,456 (“the ’456 patent”), provided that the claim at issue is not proven invalid or unenforceable;

2. Mylan's ANDA Products infringe each of claims 8, 17, 18, 19, and 28 of the '456 patent, provided that the claim at issue is not proven invalid or unenforceable;

3. The use of Mylan's ANDA Products in accordance with their labeling infringes each of claims 13, 24, 26, and 30 of the '456 patent, provided that the claim at issue is not proven invalid or unenforceable;

4. Mylan will induce infringement of each of claims 13, 24, 26, and 30 of the '456 patent, provided the claim at issue is not proven invalid or unenforceable, through the sale of Mylan's ANDA Products;

5. Mylan's ANDA Products, as well as the active ingredient contained therein, infringe claim 1 of U.S. Patent No. 7,585,860 ("the '860 patent"), provided that the claim at issue is not proven invalid or unenforceable;

6. The use of Mylan's ANDA Products in accordance with their labeling infringes each of claims 1-11 and 15-19 of U.S. Patent No. 7,592, 339 ("the '339 patent"), provided that the claim at issue is not proven invalid or unenforceable;

7. Mylan will induce infringement of each of claims 1-11 and 15-19 of the '339 patent, provided the claim at issue is not proven invalid or unenforceable, through the sale of Mylan's ANDA Products;

8. As a result of the stipulations of infringement set forth herein, Plaintiffs agree that they will not take any individual depositions of any current or former Mylan employees, officers, or directors in this action, and Mylan and its API supplier need not produce nor will Plaintiffs seek from them further discovery that relate solely to issues of infringement of the '456 patent, the '860 patent, and/or the '339 patent. In addition, Plaintiffs will withdraw topics 3, 5, and 7-16 as listed in Attachment A of Plaintiff's Notice of Deposition Pursuant to

Federal Rule of Civil Procedure 30(b)(6) that was served on Mylan. Plaintiffs further agree to withdraw the assertion of each and every claim of the '456 patent, the '860 patent, and the '339 patent to which infringement is not stipulated herein.

9. Nothing in this stipulation should preclude Mylan from pursuing any other properly pleaded and disclosed defense, including contesting the validity and/or enforceability of any claim of the '456 patent, the '860 patent, and/or the '339 patent.

The parties make this stipulation without prejudice to or waiver of their rights on any appeal of any judgment of this Court, except with respect to the matters of infringement as stipulated herein.

IT IS HEREBY STIPULATED:

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

*/s/ Jack B. Blumenfeld*

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*/s/ Bindu A. Palapura*

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SO ORDERED this \_\_\_\_\_ day of May 2017.

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J.